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C O N F I D E N T I A L SECTION 01 OF 02 SARAJEVO 001191

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DEPARTMENT FOR EUR(DICARLO) AND EUR/SCE(HOH/FOOKS)

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TAGS: [PGOV](#) [PREL](#) [PINR](#) [EU](#) [BK](#)

SUBJECT: BOSNIA - HIGHREP SET TO BEGIN CONSTITUTIONAL  
REFORM CONSULTATIONS

REF: A. SARAJEVO 995

[1](#)B. STATE 22980

[1](#)C. SARAJEVO 41

Classified By: Ambassador Douglas McElhaney. Reason 1.4(b) and (d).

[1](#)1. (C) SUMMARY: On May 30, High Representative Christian Schwarz-Schilling met with the Ambassador as well as the German and EC Delegation Ambassadors to discuss plans for consulting with Bosnian political leaders about the proposal to create a Constitutional Reform Commission (CRC). Schilling expressed his hope that political leaders could be persuaded to support a new constitutional reform process in general terms, and that this might be announced at the June 18-19 Peace Implementation Council (PIC). The PIC would welcome the commitment and announce U.S. and EU support for it in the PIC communique. Though the first consultations are planned for June 1, the discussion underscored continued differences between the U.S. and European positions over the proposed structure of a CRC and the role the international community would play in a Bosnian constitutional reform process. END SUMMARY.

It's Time to Start  
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[1](#)2. (C) The HighRep opened the discussion by arguing that it was now time to begin formal consultations with political party leaders on a new constitutional reform process. Cognizant of conQIBE+=&Rleaders on key concepts associated with the CRC, specifically:

- the idea of establishing a commission;
- the appropriate role for parliament in the process;
- the best method for keeping political leaders engaged in the process; and,
- the role of the international community.

The party leaders' responses to these general themes would then be incorporated into a revised CRC proposal. No paper would be passed to party leaders yet.

Targeting the PIC  
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[1](#)3. (C) The HighRep told the ambassadors that he was not interested in staging an elaborate signing ceremony or other such event on constitutional reform prior to the end of his tenure unless "there was real substance to it." He realized that his earlier plan to secure agreement from party leaders

before June 30 on a detailed agreement endorsing the CRC and on draft legislation that would establish it were now unrealistic. Instead he hoped to force a general consensus among party leaders prior to the June 18-19 PIC that a constitutional reform process was necessary. Leaders could make a short, joint public statement at the PIC to this effect and the PIC communique could contain language endorsing it. The HighRep plans to use his annual address to the Bosnian parliament before the PIC to maintain momentum towards a June 19 deal.

#### Parties Must Decide the Fate of U.S.-Brokered Amendments

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¶4. (C) In response to a question from the German and EC Ambassadors about how the U.S.-brokered package of amendments meshed with the proposal to establish a CRC, the Ambassador explained that the U.S. continues to believe that this package represents significant step forward. Nonetheless, the parties themselves must decide whether they want to make a renewed effort to pass or begin a new process, he emphasized. We believed it was worthwhile exploring the possibility of adopting the U.S.-brokered package in conjunction with legislation establishing a CRC, but even if this approach proved politically unworkable, the U.S. supported establishing a follow-on constitutional reform process (Ref B).

SARAJEVO 00001191 002 OF 002

#### Europeans Repeat Earlier Concerns on CRC

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¶5. (C) The EC Ambassador repeated concerns about the CRC that he had expressed during earlier exchanges on it. Stressing that he was speaking under instruction, he noted the European Commission's concern about the size of the proposed CRC secretariat and the prominent role envisioned for the U.S.

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and EU CRC Co-Chairs. The German Ambassador also raised concerns about the role of the Co-Chairs, underscoring the importance of Bosnian "ownership" of any constitutional reform process. The Ambassador responded by noting that without a strong international role, the constitutional reform process would be unlikely to yield any concrete results. Our participation in the CRC process was contingent upon appropriate U.S. and EU roles. The German Ambassador suggested the HighRep avoid going into too much detail on this issue with the parties, since it would needlessly expose U.S.-EU divisions, which could be ironed out later in the process.

Comment

¶6. (C) The HighRep plans to schedule meetings with individual party leaders over the next two weeks. Only after completing these initial exchanges will he bring them together as a group. The Ambassador as well as the German and EC Ambassadors would participate in these exchanges. Precisely what he plans to present to them remains vague, which may be best given continued U.S. and European differences over the "ownership" question. Given the current political climate, it is unlikely the HighRep will secure agreement from party leaders on a new constitutional reform process prior to the PIC, but he is clearly prepared to push hard. The Europeans are playing along even as they apparently try to undermine the process. Most of the Europeans here are not comfortable, or so they tell us, with the HighRep leading the charge on constitutional reform. We suspect that several are also uncomfortable with the notion of the U.S. continuing to play a leading role in the process along with the Europeans.

MCELHANEY